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An Act To Protect Children in Vehicles from Secondhand Smoke

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1549 is enacted to read:

§ 1549. Smoking in vehicles when minor is present

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Motor vehicle" has the same meaning as in Title 29-A, section 101, subsection 42.

B. "Smoking" means inhaling, exhaling, burning or carrying a lighted cigarette, cigar, pipe, weed, plant, regulated narcotic or other combustible substance.

2. Prohibition. Smoking is prohibited in a motor vehicle when a person who has not attained 18 years of age is present in that motor vehicle, regardless of whether the motor vehicle's windows are open.

3. Penalty; warning. Notwithstanding section 1545, a person who violates this section commits a civil violation for which a fine of \$50 must be assessed, except that a law enforcement officer may give a written warning to an operator or passenger who is in violation of this section.

SUMMARY

This bill, modeled on a Bangor city ordinance, prohibits smoking in a motor vehicle when a person under 18 years of age is present in that vehicle. Violators are subject to a \$50 fine or, at the discretion of the law enforcement officer present, a written warning.